

REMARKS

Applicants appreciate the Examiner's thorough consideration provided the present application. Claims 1-10 are now present in the application. Claims 1, 5, 6 and 10 have been amended. Claims 1 and 6 are independent. Reconsideration of this application, as amended, is respectfully requested.

Claim Rejections Under 35 U.S.C. §112

Claims 1-10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. This rejection is respectfully traversed.

In particular, the Examiner stated that the "dynamic price changing web marketing system" recited in claims 1-5 is unclear because the term "system" may be construed as a method or an apparatus. However, according to the description on page 4, lines 4-5 of the instant application, it is clearly disclosed that the system 1 is implemented on a web server with at least one central processing unit (CPU) and at least one storage device. Therefore, the dynamic price changing web marketing system recited in claims 1-5 is an apparatus.

In addition, Applicants respectfully submit that the "user" and the "consumer" recited in claims 1, 5, 6, and 10 are directed to the same person, and claims have been amended to be consistent.

The examiner further stated that if the user and the consumer recited in claim 6 are the same person, it is not clear as to what is the objective of receiving an order for purchasing by the trade processing module the second time. Applicants respectfully submit that the recitation "the

trade processing module receives the consumer's purchase order when the commodity price lowers to a specific value" of claim 6 is expressed in the wherein clause of the amended claim 6. It just specifies a special condition for receiving the consumer's purchase order, but not the second time for receiving the purchase order by the trade processing module.

In view of the above, all pending claims are now definite and clear. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, are therefore respectfully requested.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fortenberry, U.S. Patent No. 6,336,098 in view of Dutta, U.S. Patent No. 6,606,604. This rejection is respectfully traversed.

In amended claim 1 of the present invention, the dynamic price changing web marketing system comprises a commodity database for storing at least one commodity datum, a commodity data providing module for providing the commodity datum in a specific format to a consumer, a trade processing module for receiving the consumer's order for purchasing the commodity, and a dynamic price changing module for gradually lowering the commodity price starting from an initialization time. The commodity data providing module immediately provides the lowered price to the consumer, and the trade processing module receives the consumer's purchase order when the commodity price lowers to a specific value.

Applicants respectfully submit that neither Fortenberry nor Dutta teaches or suggests the above features. In particular, Fortenberry discloses a system (or a method) for electronic

distribution and redemption of coupons on a computer network, which comprises an e-coupon database 32, an e-coupon distribution web site 34, and an e-coupon redemption web site 38 etc. (see Fig. 2 and the corresponding description). Since the whole text merely recites how to create, distribute, and redeem an e-coupon, which is thoroughly different from a commodity, Fortenberry fails to disclose any element similar to the commodity database and the commodity data providing module as recited in claim 1. Moreover, Fortenberry does not teach the dynamic price changing module, as the examiner has acknowledged in his Office Action.

Dutta discloses a method for updating ordering information such as item and pricing information on a customer's computer. What Dutta teaches is all about how to **update ordering information stored on the customer's data processing system** in order to improve data transfer concerning recurring sales transactions. For example, Dutta discloses several mechanisms to update the pricing information stored on the customer's data processing system which has become stale in col. 5, lines 19-63. However, Dutta does not mention how the price to be updated is produced, nor a dynamic price changing module for gradually lowering the commodity price actively. Therefore, Dutta's method for updating ordering information on a customer's computer is completely different from the operation of the dynamic price changing module of the present invention in their objectives and functions.

Similarly, at least for the same reasons as mentioned above, the combination of Fortenberry and Dutta fails to disclose the dynamic price changing web marketing method recited in amended claim 6.

Accordingly, neither of the references utilized by the Examiner individually or in combination teaches or suggests the limitations of amended independent claims 1 and 6 or their

dependent claims. Further, claims 2-5 and 7-10 depend from independent claims 1 and 6 which are allowable for at least the same reasons discussed above. Therefore, claims 2-5 and 7-10 are also patentable. Accordingly, Applicants respectfully submit that all of the claims clearly define over the teachings of the references relied on by the Examiner.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103 are respectfully requested.

CONCLUSION

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but merely to show the state of the prior art, no further comments are necessary with respect thereto.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Joe McKinney Muncy, Registration No. 32,334 at (703) 205-8000 in the Washington, D.C. area.

Application No. 09/808,118
Amendment due February 22, 2006
Reply to Office Action of November 22, 2005

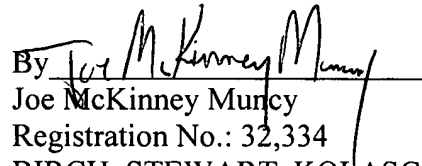
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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